

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

ELLIE MAE, INC.,
Plaintiff,
v.
JARET P CHRISTOPHER,
Defendant.

Case No. 3:15-cv-04957-LB

**ORDER REGARDING
ADMINISTRATIVE MOTIONS TO
FILE DOCUMENTS UNDER SEAL**

[Re: ECF Nos. 2, 22]

The petitioner Ellie Mae, Inc. filed a motion to confirm an arbitration award, and in response the respondent Jaret Christopher filed an opposition and cross-motion to vacate the arbitration award. (Motion to Confirm, ECF No. 13; Cross-Motion to Vacate, ECF No. 25.)

In support of its motion to confirm, Ellie Mae filed an administrative motion asking for permission to file three documents under seal. (Ellie Mae's Sealing Motion, ECF No. 2.) These documents were a part of the record of the underlying arbitration, and Ellie Mae seeks to file them under seal because they "may contain information considered to be confidential by Jaret Christopher." (*Id.* at 2.)

In this posture, under Civil Local Rule 79-5(e) Mr. Christopher had four days to file a declaration establishing that these three documents are sealable. He did not.

Mr. Christopher did, however, file an administrative motion asking for permission to file numerous documents under seal in support of his cross-motion to vacate. (Mr. Christopher's ORDER (No. 3:15-cv-04957-LB)

1 Sealing Motion, ECF No. 22.) The documents, which include the cross-motion itself, “are all
2 excerpts of the *Christopher v. Ellie Mae, Inc.* arbitration hearing transcript or are non-public
3 documents used in that arbitration.” (*Id.* at 2.) Although Mr. Christopher believes that none of
4 these documents are sealable, he seeks to file them under seal because Ellie Mae informed him
5 that “it considers some or all of these documents to be confidential under the terms of the parties’
6 Protective Order” in the arbitration. (*Id.*)

7 In this posture, it was incumbent on Ellie Mae to file a declaration establishing that the
8 documents are sealable. It did so, but it addressed only some of the documents Mr. Christopher
9 included with his sealing motion. (Corr Declaration, ECF No. 23.) For the documents it addressed,
10 Ellie Mae states that they “contain Ellie Mae’s information relating to Ellie Mae’s business
11 activities, customers, product development, plans, acquisitions, and analysis, including
12 negotiations,” and that if the information was made public, it “could cause competitive harm to
13 Ellie Mae or provide an improper advantage to others.” (*Id.* at 3.) Upon review of these
14 documents, the court agrees that the portions Ellie Mae identified are sealable.

15 Because it appears that neither party believes the three documents attached to Ellie Mae’s
16 sealing motion are sealable and that Ellie Mae contends that only some of the documents attached
17 to Mr. Christopher’s sealing motion are sealable, the court directs the parties to meet and confer
18 and file a proposed order that allows for the sealable documents to be filed under seal and the non-
19 sealable documents to be filed in the public record. The parties must do this by December 11,
20 2015.

21 **IT IS SO ORDERED.**

22 Dated: December 8, 2015



23
24 LAUREL BEELER
United States Magistrate Judge